

PROB 12B  
(Rev. 1/02 SD/AL)

# United States District Court

for

FILED AUG 3 '05 AM 7:40 USDCAL5

## SOUTHERN DISTRICT OF ALABAMA

### Request for Modifying the Conditions or Term of Supervision with Consent of the Offender

U. S. A. vs. **Don Leonard Scott**

Docket No.: **94-00061-001**

Name of Sentencing Judicial Officer: The Honorable Charles R. Butler, Jr.

Date of Original Sentence: October 12, 1994

Original Offense: Conspiracy to Possess with Intent to Distribute Crack Cocaine, in violation of 21 U.S.C. § 846, a Class A felony.

Original Sentence: The Court imposed a 120-month custody sentence with a recommendation to the Bureau of Prisons that the defendant be incarcerated in an institution as close to his family as possible. The custody sentence was to be followed by a five-year term of supervised release with a special condition for the offender to participate in a program of testing and treatment for substance abuse. A \$50 special monetary assessment was imposed.

Type of Supervision: Supervised Release

Date Supervision Commenced: July 15, 2002  
Date Supervision Expires: July 14, 2007

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### PETITIONING THE COURT

☐ To extend the term of supervision \_\_\_\_ years, for a total of \_\_\_\_ years.

☒ To modify the conditions of supervision as follows:

**TO TERMINATE THE TERM OF SUPERVISED RELEASE FORTHWITH.**

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## **CAUSE**

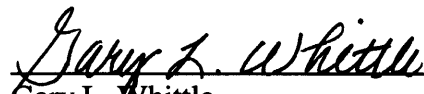
Mr. Scott was released from the Bureau of Prisons to begin his five-year term of supervised release on July 15, 2002. Upon his release from prison, Mr. Scott relocated to the Wilmington, Delaware area. He is currently under the supervision of U.S. Probation Officer Frank Kurzeknabe. Mr. Kurzeknabe is petitioning the Court for early termination from supervision.

Mr. Kurzeknabe reports that the offender has maintained a stable residence, has attained verifiable and secure employment and has remained with this employment since August 2002, has not been arrested or charged with a criminal violation while on supervised release, has completed payment of the special monetary assessment and has complied with all travel restrictions and permits. The offender has informed the probation officer that he has received a promotional employment opportunity from his present employer which will require him to relocate to Norfolk, Virginia. The offender has completed 36 of 60 months supervision.

Based on these factors, Mr. Kurzeknabe is making a recommendation to the Court that the offender's term of supervised release be terminated forthwith.

The probation officer contacted Assistant U.S. Attorney Gregory Bordenkircher for input regarding Mr. Kurzeknabe's recommendation for an early termination in this case. Mr. Bordenkircher states the U.S. Attorney's Office is definitely opposed to an early termination for this defendant at this point. Mr. Bordenkircher stated that a motion for an early termination is premature and that Mr. Scott should not be considered for same until he has completed at least four years of supervised release.

Respectfully submitted,

  
\_\_\_\_\_  
Gary L. Whittle  
Supervising U.S. Probation Officer  
Southern District of Alabama *for*  
Frank Kurzeknabe  
U.S. Probation Officer  
District of Delaware - Wilmington Office  
Date: July 20, 2005

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**THE COURT ORDERS:**

☐

No Action

☒

The Court concurs with the recommendation of the probation officer. The offender is terminated from supervision forthwith.

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The Court denies the recommendation of the probation officer. The offender is to remain under supervision.

☐

Other \_\_\_\_\_

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**CHARLES R. BUTLER, JR.**  
**U.S. DISTRICT JUDGE**

Date: August 1<sup>st</sup>, 2005